

## REMARKS/ARGUMENTS

### 5    **Remarks regarding Rejections of Claims under 35 USC 103(a)**

**Claim 1** stands rejected over Ikeda et al (US 6,115,213) in view of Harrison et al (US 2002/0135933). The Applicant respectfully disagrees with this rejection as discussed below.

10            In the second paragraph of page 3 of the action, the Examiner states “Harrison et al shows ... each member of a gap collection is 0.66 mm ([0044], line 14), which is less than 0.7 mm of the boundary layer thickness at speed of 5400 RPM.” The Applicant observes that while Harrison in paragraph [0039] defines a boundary layer, nowhere in the application is a relationship defined between the angular speed (RPM) and the boundary layer thickness. The Applicant believes that  
15    Harrison et al makes a good faith effort to meet the duty of candor, and as such, neither the inventors, nor their representatives before the US PTO, knew of that relationship, else they would have been prompted to evaluate gap collections with 0.7 mm gaps. Consequently, the elements of the invention are not found in the cited prior art.

20            Further Harrison does not teach nor suggest the operational approach of the invention. Quoting from paragraph [0040] as found in text downloaded from the PTO web site: “If one wishes to maintain a laminar airflow in certain regions with increased speeds of rotation, one generally has to either space the discs closer together (which reduces the value of D in EQ. 1) or reduce the flow velocity in those regions. The claimed invention generally follows the latter approach and operates  
25    to reduce the flow velocity in the region near the heads 122 and the actuator arms 118. Thus, the airflow into the open portion 128 will be substantially smaller in volume and velocity than the amount of airflow deflected around the actuator assembly 112.”

In fact, the Applicant finds that above quoted passage shows Harrison teaches away from the invention as claimed. The combining of Ikeda et al with Harrison et al is inappropriate.

5           Given the above reasons, the Applicant respectfully requests that the Examiner remove the rejection of this Claim.

**Claims 2-5 and 9** are dependent upon Claim 1, and stand rejected by the same prior art as Claim 1. The Applicant disagrees with the rejection. These Claims inherit the features of Claim 1,  
10       and thus, for the reasons stated for Claim 1, the Applicant respectfully requests that the Examiner remove the rejection of these Claims.

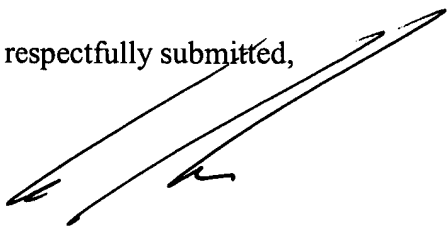
**Claim 10** stands rejected over Ikeda et al in view of Harrison et al for essentially the same reasons stated for Claim 1. The Applicant disagrees with this rejection. Based upon the discussion  
15       of Claim 1, the Applicant respectfully requests that the Examiner remove the rejection of this Claim.

**Claims 11-16, 20 and 21** are dependent upon Claim 10, and stand rejected over the same prior art as Claims 1 and 10. The Applicant disagrees with this rejection. Based upon the above discussion of Claim 1, the Applicant respectfully requests that the Examiner remove the rejection  
20       of these Claims.

          The Examiner found **Claim 6-8 and 17-19** as being allowable if rewritten as independent Claims, incorporating the limitations of the base Claim and any intervening Claims. The Applicant points out that given the above discussion, the base Claim and any intervening Claims are also  
25       allowable, and the Applicant respectfully requests that the Examiner remove the rejection of these Claims.

If there are further issues the Examiner wishes to discuss, please contact either Earle Jennings or Gregory Smith at (510) 742-7417.

5 Very respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory Scott Smith', written over the closing phrase 'Very respectfully submitted,'.

10

Gregory Scott Smith  
GSS Law Group  
3900 Newpark Mall Rd  
Third Floor, Suite 317

Reg. No. 38,309  
Phone (510) 742-7417  
Fax (510) 742-7419

15

Newark, CA 94560